

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

6 ADOBE SYSTEMS INCORPORATED, a
Delaware Corporation,

Plaintiff,

VS.

10 A & S ELECTRONICS, INC., a California
11 Corporation d/b/a TRUSTPRICE; ALAN Z.
LIN, an Individual; and DOES 1-10,
Inclusive,

Defendants.

Case No: C 15-2288 SBA

ORDER STRIKING NON-COMPLIANT MOTIONS

Dkt. 44, 46, 47, 48, 49, 50, 51

The Court’s Standing Orders specify that the maximum page limit for motions and oppositions thereto is fifteen pages. Dkt. 16. The Standing Orders further state that any brief filed “in an improper manner or form shall not be received or considered by the Court.” *Id.*; see Swanson v. U.S. Forest Serv., 87 F.3d 339, 345 (9th Cir. 1996) (courts have discretion to strike oversized briefs).

Defendants have filed a nineteen-page motion to dismiss and a separate six-page motion for more definite statement. Dkt. 44, 46. In response, Plaintiff filed two fifteen-page oppositions, one in response to each motion. Defendants' motion to dismiss clearly violates the Court's Standing Orders. Dkt. 47, 48. In addition, the Court finds that Defendants' filing of a separate motion for a more definite statement is excessive. Such a motion should have been brought in the alternative to a motion to dismiss—not as a separate, stand-alone motion. See Schwarzer et al, Prac. Guide Fed. Civ. Proc. Before Trial (Nat Ed.) ¶ 9:13 (TRG 2014). Accordingly,

27 IT IS HEREBY ORDERED THAT all briefs filed in connection with Defendants'
28 motion to dismiss and motion for a more definite statement are STRICKEN. The Clerk

1 shall strike Dkt. 44, 46, 47, 48, 50 and 51 from the record. Defendants are granted leave to
2 file a combined motion to dismiss, or in the alternative, a motion for a more definite
3 statement within seven days of the date this Order is filed. Plaintiff shall file a single
4 opposition brief no later than seven days after the motion is filed. Defendants' reply shall
5 be filed three days after Plaintiffs file their opposition. The parties' stipulation to advance
6 the hearing date from December 9, 2015, to November 12, 2015, is DENIED as moot.

7 IT IS SO ORDERED.

8 Dated: 10/16/15


9 SAUNDRA BROWN ARMSTRONG
10 United States District Judge

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